

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

DIRECTOR, OFFICE OF WORKERS'  
COMPENSATION PROGRAMS, UNITED  
STATES DEPARTMENT OF LABOR,  
Petitioner,

v.

NEWPORT NEWS SHIPBUILDING AND

No. 96-2625

DRY DOCK COMPANY,  
Respondent,

and

SUSAN CAMPBELL,  
Claimant.

On Petition for Review of an Order  
of the Benefits Review Board.  
(94-240)

Argued: July 7, 1997

Decided: September 2, 1997

Before LUTTIG and WILLIAMS, Circuit Judges, and  
Joseph F. ANDERSON, Jr., United States District Judge for the  
District of South Carolina, sitting by designation.

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Remanded with instructions by unpublished per curiam opinion.

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**COUNSEL**

**ARGUED:** Joshua Thomas Gillelan, II, Senior Attorney, Office of  
the Solicitor, UNITED STATES DEPARTMENT OF LABOR,

WASHINGTON, D.C., for Petitioner. Benjamin McMullan Mason, MASON & MASON, P.C., Newport News, Virginia, for Respondent. **ON BRIEF:** J. Davitt McAteer, Acting Solicitor of Labor, Carol A. De Deo, Associate Solicitor, Office of the Solicitor, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C., for Petitioner.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

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## **OPINION**

### **PER CURIAM:**

The present appeal was taken based upon Section 8(f) of the Longshoreman's Act. 33 U.S.C. § 908(f). This case was decided by an Administrative Law Judge (ALJ) on September 21, 1993. After the ALJ reached his decision, this court decided Director, OWCP v. Newport News Shipbuilding & Dry Dock Co. (Harcum), 8 F.3d 175 (4th Cir. 1993). The court remands the matter to the ALJ for further findings in light of Harcum.

### **REMANDED WITH INSTRUCTIONS**